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Defenders of the Black Hills
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May 26, 2004

Docket Management System
Doc No. FAA-2004-17458
U.S. Department of Transportation
Room Plaza 401, 400 Seventh Street, SW
Washington, DC 20590-0001

RE: Doc No. FAA-2004-17458 — 8

Dear Sir:

In reference to you published Action: Notice of Intent to Prepare Environmental Assessments and Notice of Initiation of public Scoping (DRAFT), the following is submitted:

1. The Federal Aviation Administration does not have legal status to conduct any kinds of activities in what is called Badlands National Park as this is enclosed within the boundaries of the Fort Laramie Treaty of 1868, according to Article Six of the U.S. Constitution, and further protected by the March 3rd Act of 1871 which states that treaties made prior to that date would not be abrogated.
2. Innumerable impacts are occurring daily to the Badlands National Park from the illegal incursion of aircraft through noise, air pollution, and the leaving behind of downed aircraft which further pollutes ground water as the pieces erode.
3. Future illegal air traffic in this area will only increase the already present pollution and disturbance to the few remaining wildlife.
4. The only alternative is total abstinence of any illegal air traffic within the boundaries of the 1868 Fort Laramie Treaty Territory which includes the area called Badlands National Park.

Sincerely,



Charmaine White Face, Coordinator

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DEPT OF TRANSPORTATION
RECORDS